

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

QIAN LIN and PETER MOCEO
Plaintiffs
A75 560 206

v.

EC f casp
Case # 04 CV 06782

MARY ANN GANTNER, DISTRICT DIRECTOR,
UNITED STATES CITIZENSHIP AND IMMIGRATION
SERVICES, NY DISTRICT; EDWARD AGUIRRE,
DIRECTOR OF UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES; AND TOM RIDGE ,
SECRETARY OF HOMELAND SECURITY
Defendants

54ds e wood

PETITION FOR MANDAMUS RELIEF

1. This action is brought against Defendants in their official capacity to compel them to adjudicate plaintiffs' I-130 petition relative petition and I-485 application for lawful permanent residence within 60 days.

PARTIES

2. Plaintiff Qian Lin is a 40 year old native and citizen of the People's Republic of China who resides at 721 Fifth Ave. Apt 33C, New York, NY 10022 with her United States citizen husband Peter Mocco.

3. Plaintiff Peter Mocco is a 44 year old native and citizen of the United States who resides at 721 Fifth Ave. Apt 33C, New York, NY 10022 with his wife Qian Lin.

4. Defendant Mary Ann Gantner is the District Director of the United States Citizenship and Immigration Services (USCIS), NY district, a district office component of the Department of Homeland Security(DHS). With offices at 26 Federal Plaza, New York, NY 10278, Defendant Gantner is charged with overall supervisory responsibility over immigration and citizenship benefit operations in the NY district.

5. Defendant Edward Aguirre is the Director of USCIS, a bureau which is a component of the DHS. He is the official overseeing the District and Regional offices of USCIS, with offices in Washington, D.C.

6. Defendant Tom Ridge is the Secretary of the United States Department of Homeland Security, a cabinet department which USCIS is a part of. He has overall supervisory authority over USCIS and administration of immigration and citizenship benefits, *inter alia*.

JURISDICTION

7. Jurisdiction in this case is proper under 28 U.S.C. §1331 and §1361, 5 U.S.C. § 701 et seq., and §2201 et seq.

VENUE

8. Venue lies within the Southern District of New York pursuant to 28 U.S.C. §1391(e) as one of the Defendants and both of the plaintiffs reside within the Southern District of New York.

EXHAUSTION OF REMEDIES

9. Plaintiffs have exhausted administrative remedies. They have made numerous inquiries with USCIS with regard to the lack of adjudication of the I-130 petition and I-485 application for adjustment of status for Plaintiff Qian LIN pending since 1999. All future efforts with regard to this matter by Plaintiffs would be futile.

CAUSE OF ACTION

10. On or about May 24, 1999, Plaintiffs filed an I-130/I-485 petition with legacy INS, the predecessor to USCIS at Defendants' NY District Office pursuant to §201(2)(a)(i) and §245 of the Immigration and Nationality Act. The I-130 Petition was filed to classify Plaintiff Lin as the spouse of a US citizen. The I-485 was filed for Plaintiff Qin to adjust her status to that of a permanent resident. (See Exhibit 1, copy of I-130/I485 filing receipt).

11. On October 16, 2000 Plaintiffs had an interview with regard to the application for adjustment of status at Defendant's office at 26 Federal Plaza. The District Adjudications Officer who conducted the interview was DAO Marshall. At the time of the interview, Defendant could not find Plaintiff's A file. The interview was conducted with a temporary work folder. (See Exhibit 2, copy of §245 interview notice).

12. Aside from the fact that Defendants could not locate Plaintiff's A file, on information and belief, the only reason that the application for adjustment of status could not be approved was because Plaintiff Lin had been convicted of disorderly conduct, a violation under the NYS Penal Code. DAO Marshall issued an I-72 which required a certified copy of the disposition and proof of satisfaction of the community service to be submitted within 120 days. The conviction had been fully disclosed by Plaintiff at the time of the filing of the application for adjustment of status. (See Exhibit 3, copy of I-72).

13. On information and belief, Plaintiffs hand delivered the disposition and proof of satisfaction

of the community service approximately 15 days later to Defendant directly to the 245 unit at 26 Federal Plaza, Room 8-800 NY, NY. No receipt was given by Defendant to Plaintiffs. (See Exhibit 4, copy of disposition and proof of satisfaction of community service).

14. Approximately six months passed without a decision. Growing concerned that no decision had been received, Plaintiffs made an in person inquiry at Defendants' NY offices at 26 Federal Plaza, Room 8-800 NY, NY on or about 4/11/01. No response to this inquiry from Defendant was ever received nor has this petition/application been adjudicated. (See Exhibit 5, copy of inquiry sheet).

15. Plaintiff Moceo sent two letters to DAO Marshall inquiring about this case without any response from Defendant. (See Exhibit 6, copy of the letters with certified receipt).

16. Fearing that the I-72 with the disposition and the proof of satisfaction of community service may have gone astray, Plaintiff's mailed a copy of the aforementioned documents to Defendant via certified mail later in April of 2001. (See Exhibit 7, copy of certified receipt).

17. From that date forward until the present Plaintiffs made at least seven inquiries in person at Defendant's offices on or about 5/23/02, 7/17/02, 8/22/02, 7/15/03, 10/28/03, 0/30/03, and 4/21/04. No response from Defendant has ever been received nor has this petition/application been adjudicated. (See Exhibit 8, copy of listing of dates inquiries were made and copies of some inquiry sheets).

18. Defendants owe a duty to Plaintiffs to adjudicate Plaintiffs' relative petition and adjustment of application in a timely manner. Since this case has been pending since 1999 and the interview was conducted in 2000, this is an excessive amount of time for this case not to be adjudicated.

19. Defendants, in violation of the Administrative Procedure Act, 5 U.S.C. §701 et seq., are unlawfully withholding and unreasonably delaying the adjudication of Plaintiffs' relative petition and adjustment of status application and have failed to carry out the adjudicative functions delegated to them by law.

20. Plaintiffs are irreparably harmed by Defendants failure to adjudicate Plaintiffs' aforementioned relative petition and adjustment of status application in a timely manner.

PRAYER FOR RELIEF

21. Wherefore, Plaintiff requests the court to grant the following relief:

- A. Order Defendants to take all necessary steps to adjudicate Plaintiffs' relative petition and adjustment of status application within 60 days.
- B. Accept and maintain continuing jurisdiction in this case.
- C. Award Plaintiff the costs of this action, including fair and reasonable attorneys fees under

EAJA.

D. Provide such relief as may be just and proper.

Respectfully submitted,

Carolyn S. Goldfarb

Carolyn S. Goldfarb, Esq.
20 W. 20th Street 2nd Floor
New York, NY 10011
212-807-0820 phone
212-807-0920 fax
email: CarolynEsq@aol.com
CSG1458

Dated: *8/19/04*

EXHIBIT T

U.S.I.N.S.

FEE RECEIPT
A CENTURY OF SERVICE

05/24/99 N.Y.C.

75560206#	
LINQ #	
I 495	\$ 220.00
FR PRINT	\$ 25.00
I 130	\$ 110.00
XI 765	\$ 100.00
DI 131	\$ 95.00
SUBTL	550.00
TTLAMT	550.00
DC	550.00
CHANGE	0.00

5 ITEMS

0007002 9:48

EXHIBIT 2



Immigration and Naturalization Service

PRESENT THIS LETTER AT THE WORTH STREET ENTRANCE

Lin Qian

File Number:

Date: 7-27-99

Please come to the office shown at the time and place indicated in connection with an official matter.

OFFICE LOCATION	26 FEDERAL PLAZA NEW YORK NEW YORK 10278	Room No. 10-112	File No. 101E
DATE AND HOUR	Oct 16, 2000 9:30AM		
ASK FOR	IMMIGRATION EXAMINER		
REASON FOR APPOINTMENT	ADJUSTMENT OF STATUS		
BRING WITH YOU	SEE ATTACHMENTS		

IT IS IMPORTANT THAT YOU KEEP THIS APPOINTMENT AND BRING THIS LETTER WITH YOU.
 IF YOU ARE UNABLE TO DO SO, STATE YOUR REASON, SIGN BELOW AND RETURN THIS LETTER.

WARNING:

IF YOU CONSIDER DEPARTING FROM THE UNITED STATES TO ANY COUNTRY, INCLUDING CANADA OR MEXICO, BEFORE A DECISION IS MADE ON YOUR APPLICATION, CONSULT THIS OFFICE BEFORE DEPARTURE, SINCE A DEPARTURE FROM THE UNITED STATES WILL RESULT IN TERMINATION OF YOUR APPLICATION.

Q.D.

I am unable to keep this appointment because:

cc. S. Reelman

SIGNATURE	DATE
<div style="text-align: right;">Very truly yours,</div> <div style="text-align: right;">S. Reelman</div>	

I.T.N.S.
U.S. DEPARTMENT OF JUSTICE
U.S. ATTORNEY'S OFFICE
N.Y.C.

ITEM	QUANTITY	UNIT PRICE	AMOUNT
1	1	\$220.00	\$220.00
2	1	\$25.00	\$25.00
3	1	\$112.00	\$112.00
4	1	\$100.00	\$100.00
5	1	\$50.00	\$50.00
			\$50.00

EXHIBIT 3



U. S. DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

NAME AND ADDRESS OF APPLICANT/PETITIONER

Qian Lin

H/D

NAME OF BENEFICIARY	
DATE 10/16/2000	
FILE NO. W75560-206	
FORM NO.	

PLEASE COMPLY WITH THE BELOW CHECKED INSTRUCTIONS.

- 1. The above application/petition and its supporting documents are attached.
- 2. The above application/petition and its supporting documents have been forwarded to your attorney or representative.
- 3. Please complete the blocks on your enclosed application/petition which are checked in red.
- 4. Please follow the instructions on your enclosed application/petition which are checked in red.
- 5. Furnish the required fee of \$_____.
- 6. Furnish the birth or baptismal certificate of _____.
- 7. Furnish the marriage certificate of _____.
- 8. Furnish proof of death or legal termination of marriage of _____.
- 9. A foreign document must be accompanied by a translation in English. The translator must certify that he/she is competent to translate and that the translation is accurate.
- 10. Furnish the date and port of each of your entries into the United States and the name of the ship, plane, or other vehicle on which you traveled.
- 11. Except for aliens with occupations listed under Schedule A, 20 Code of Federal Regulations, Part 656.10, a certification from the Secretary of Labor must be obtained before your petition or application may be resubmitted to this Service. Further information and Department of Labor forms and instructions may be obtained from the local office of the state employment service agencies.
- 12. You have indicated that you do not intend to seek employment. You must furnish evidence that you have sufficient funds or other means of maintaining yourself in this country.
- 13. Furnish two (2) color photographs. These photos must have a white background, photos must be glossy, un-retouched, and not mounted. Dimension of the facial image should be about 1 inch from chin to top of hair or head, showing 1/4 to 1/2 of the right side of face with right ear visible. Using soft pencil or felt pen, print name (and alien registration receipt number, if any) on the back of each photograph. You should show these instructions to the photographer who takes the pictures.
- 14. You may now apply for adjustment of status, on the attached forms, for yourself and the below listed persons.
- 15. Your proof of status documents have been checked and are attached. Your application/petition is being processed and will be completed in the near future.
- 16. You are granted additional time until _____ to submit a brief in support of your appeal, or to present evidence in rebuttal to the proposed visa petition revocation or denial.
- 17. *Submit the original deposition of arrests under seal. ~~Completed~~ Submit a letter from the probada office stating that you performed the community service within 180 days to*

USINS
 P.O. BOX 3460
 CHURCH STREET STATION
 NEW YORK, N.Y. 10006-3460
 ATTN: SECTION 245

PLEASE RETURN THIS LETTER AND ALL ATTACHMENTS WITH
YOUR RESPONSE

EXHIBIT Y

NOTICE OF COMMUNITY SERVICE OBLIGATION

TO: LINDA LEE
FROM: ALTERNATIVE SENTENCE OFFICE
RE: People vs. LINDA LEE (Docket No. 98N037938)
DATE: Apr. 23, 1998

You have been referred to PARKS U to perform 1 day(s) community service. You must appear at UNION SQ. AT 14 STREET, PARK HOUSE at 8:00am-4:00pm on the following date(s): Apr. 26, 1998. (Note: these dates will not be rescheduled.) Please bring this form with you when you appear to perform your community service. If you fail to appear or to successfully complete the required service, a warrant may be issued for your arrest.

BRC

Alternative Sentence Coordinator

Direction:

You are to arrive at UNION SQUARE PARK/14TH STREET at 8:00 a.m. SHARP and sign in on the attendance sheet. MANHATTAN-Take the 1, N, R, #4, #5, #6 train to 14th street Union Square stop. Walk upstairs to Park. Enter park House near parking lot at 16th Street.

CRIMINAL COURT OF THE CITY OF NEW YORK
NEW YORK COUNTYNOTICE OF ALTERNATIVE SENTENCE

PEOPLE OF THE STATE OF NEW YORK.

against

LINDA LEE DefendantPart JRSDocket No. 178403-79-5NYSID No. E8524694The above-named defendant, who was arrested for To 178403-79-5 (top charge), is hereby directed

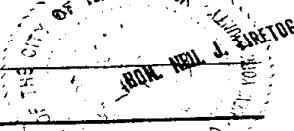
to perform 1 day(s) community service at an appropriate public program.

to complete a two-day substance abuse and HIV-AIDS education program.

The defendant must appear in the Alternative Sentence Program Office today (see reverse side of defendant's copy for location). If that office is closed, the defendant must appear on the next regular business day.

Dated: 4-27-98

Judge, Criminal Court

TO BE COMPLETED IN COURT

1. The defendant has 0 prior convictions.

2. The defendant's record includes a prior conviction for homicide, assault, robbery, possession of a weapon, or a sex offense.

 YES NORECEIVED BY DEFENDANTCRC 3005 (CRC 998-N)
(5/92)

CRIMINAL COURT OF THE CITY OF NEW YORK 117 County

on. FIREICK, Judge

OF THE STATE OF NEW YORK,
against

LINDA LEE, Defendant

CONDITIONS OF CONDITIONAL DISCHARGE
C.P.L. § 410.10 - P.L. § 65.10

Part Acc

Docket Number 78n037738

The above named defendant having been

convicted of the offense of 270.20

found to be a Youthful Offender

In the criminal action entitled above and having been sentenced to:

a _____ term of imprisonment, and to

one year period of Conditional Discharge to expire on 4-22-99 unless extended or terminated prior thereto in accordance with the Criminal Procedure Law.

and to pay a fine in the amount of \$ _____

It is ORDERED, that during the period of Conditional Discharge the defendant shall comply with the following conditions and any other conditions which the Court may impose at any time prior to the expiration or termination of the period of Conditional Discharge.

1. Lead a law-abiding life.

2. Pay the fine imposed

Make restitution

Make reparation

in the amount of _____

in the following manner _____

3. Perform _____ days - hours of Community Service, with _____

4. _____

ACKNOWLEDGEMENT

Dated: 4-27-98 Judge *[Signature]*

I have this day received a copy of the Conditions of the Sentence of Conditional Discharge in my case.
I have read or have had read to me the Conditions of the Sentence of Conditional Discharge in my case.
I understand the Conditions and do hereby agree to comply with them.

Understand that the Court may, at any time prior to the expiration or termination of the period of Conditional Discharge, modify or enlarge the conditions thereof or impose an additional period if I fail to satisfy a condition of reparation or restitution.

I UNDERSTAND THAT IF I COMMIT A NEW OFFENSE OR VIOLATE ANY CONDITION OF THIS CONDITIONAL DISCHARGE, THE COURT MAY REVOKE THE SENTENCE OF CONDITIONAL DISCHARGE AND MAY SENTENCE ME TO A MAXIMUM SENTENCE OF (15 days - 3 months - 1 year) IN JAIL. RECOMMENDED RESENTENCE _____

Dated: 4-27-98

Defendant (Signature) *Linda Lee*

County of: NY

Witness (Court Clerk, Signature) *[Signature]*

CRC 3006 (5/93) (EO-CRC 2)

DEFENDANT'S COPY-RETAIN FOR YOUR RECORDS (VLA A LA VUELTA)

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK
THE PEOPLE OF THE STATE OF NEW YORK
VS

CERTIFICATE OF DISPOSITION
NUMBER: 36819

LEE LYNDA
DEFENDANT
26-16 158TH STREET
ADDRESS
QUEENS NY
CITY STATE ZIP
DOCKET NUMBER: 98N037938
110-651-2
ARRAIGNMENT CHARGES

07/02/1968
DATE OF BIRTH
008882469M
NYSD NUMBER
04/22/1998
DATE OF ARREST/ISSUE
SUMMONS NO:

CASE DISPOSITION INFORMATION

DATE	COURT ACTION	JUDGE	PART
04/23/1998	PLED GUILTY & SENTENCE IMPOSED PG 240.20 CONDITIONAL DISCHARGE=1Y COMMUNITY SERVICE=10	PIRETOGYN	APARG

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN
THIS COURT.

Q. Gordon Park
COURT OFFICIAL SIGNATURE AND SEAL

10/19/2000
DATE
FEE: NONE

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT
SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

NOTICE OF COMMUNITY SERVICE OBLIGATION

TO: PARKS U

FROM: ALTERNATIVE SENTENCE OFFICE

RE: People vs. LINDA LEE (Docket No. 98N037938)

DATE: Oct. 19, 2000

The above-named defendant has been referred to your agency to perform 1 day(s) community service within the next 0 days. The sentence was imposed by Judge FIRETOG, following the defendant's arrest for 110/65.12. I have instructed the defendant to appear at UNION SQ. AT 14 STREET, PARK HOUSE at 7:00am-3:00pm on the following date(s): Apr. 26, 1998. Please advise me as to the defendant's performance by answering the questionnaire below and sending the form back to me (Fax No. 1-212-335-9911).


Alternative Sentence Coordinator

The above-named defendant appeared and satisfactorily completed his/her obligation to perform 1 day(s) community service.

The above-named defendant failed to appear to perform community service as directed by the court.

The above-named defendant initially appeared but failed to complete satisfactorily his/her community service obligation.
Explain:



EXHIBIT S

(04/11/01)

U.S. IMMIGRATION & NATURALIZATION SERVICE

INQUIRY

PLEASE fill out ALL parts of this form. Writing inquiries on waivers may be left in
 Room _____ All inquiries will be responded to by mail. There will be No exceptions!

SECTION 245

Today's date: 4/11/01 Type of application/Petition: I-30 I-485 Other

Name of Applicant: FIRST NAME QIAN
 LAST NAME LIN

Name of person Filling Inquiry (Who Should we call?): LIN QIAN

Applicant date of birth: 7/7/64 Applicant's country of birth: CHINA

Applicant's Alien Registration: A# 75560206

Applicant's Telephone #: 212 980 6938 Representative's Telephone #: 212 980 6938

Applicant's Present Address: 721 FIFTH AVE
APT 33C
NEW YORK, NY
10022

Representative Address:

Have you been interviewed? Yes/No. If Yes, When? YES OCT 16 2000

Who was your Interviewing Officer? MRS. MARSHALL

When was your Application filed? MAY 1999

Reason for Inquiry: I, LIN QIAN AM REQUESTING TO REVIEW MY CASE,
BECAUSE 6 MONTHS HAVE PASSED SINCE MY INTERVIEW,
WHICH I PASSED AND MY INTERVIEWER MRS MARSHALL
JUST WANTED ME TO DROP OFF A DISPOSITION OF ALLEGED
LETTER WHICH I DID IN THE BEGINNING OF NOV. 2000

Please complete ALL parts of this form. Be as specific as possible. Failure to complete
 this form completely will result in significant delays in our response to your inquiry.

EXHIBIT 6

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

NEW YORK, NY 10008	
Postage	\$ 0.55
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 3.95
	INIT ID: 0007
	Postmark Here
	Clerk: KD9662
	04/12/01

Sent To **USINS P. O. Box 3460**
Street, Apt No. or PO Box No.
Church Street station
City, State, ZIP **ATTN: New York, NY 10008-3480 Section 245**
See Reverse for instructions
Print Name: May 2000

ENDER: COMPLETE THIS SECTION

- 1. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 1. Print your name and address on the reverse so that we can return the card to you.
- 1. Attach this card to the back of the mailpiece, or on the front if space permits.

2. Article Addressed to:

USINS
P. O. Box 3460
CHURCH Street station
New York, N.Y. 10008-3480
ATTN: Section 245

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)	B. Date of Delivery
Leonard M. Davis	4/12/01
C. Signature	<input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
X	
D. Is delivery address different from item 1? If YES, enter delivery address below:	<input type="checkbox"/> Yes <input type="checkbox"/> No

3. Service Type
<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
4. Restricted Delivery? (Extra Fee)
<input type="checkbox"/> Yes

2. Article Number (Copy from service label)

102595-00-M-0952

102595-00-M-0952

April,12 2001

To Whom It May Concern:

I, Peter Moceo, am writing this letter requesting that you may review my wife's case. We were married in April of 1999, applied for citizenship in May of 1999. In Oct. of 2000, MRS Marshall interviewed us, and upon completion of our interview MRS Marshall told us that we did pass the interview, and she had no doubt whatsoever that our marriage was for real. However, we were missing a document I E: (original disposition of arrest under seal). She requested that we drop off this document, and we promptly did that in the beginning of Nov. 2000. Five months have passed and we have not yet received any notification concerning the pending status of my wife's case.

I have enclosed copies of any documentation you may need to help with ~~your~~ review. And I just want to say, thank you for your time.



Peter Moceo

PS: Personal Data of Applicant
Qian Lin
721 5th AVE Apt 33c
New York, NY 10022
D.O.B. July,7 1964
Tel. (212) 980-6938
SSN. 074-86-3637
Alien Registration A# 75560206
Passport # 142258995

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
2968 2126 0000 7000 1530	NEW YORK, NY 10008 ALL USE
Postage	\$ 0.55
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 3.95
UNIT ID: 0007	
Postmark Here Clerk: KP5K1K	
04/26/01	
Sent To: ms. Marshall USINS P.O. Box 3460 Street, Apt. No., or PO Box No. Church Street Station City, State, ZIP+4 New York, NY 10008-3480 ATTN: Section 245	
See Reverse for Instructions	

ENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.

Print your name and address on the reverse so that we can return the card to you.

Attach this card to the back of the mailpiece, or on the front if space permits

Article Addressed to:

ms. Marshall
USINS
P.O. Box 3460
Church Street Station
New York, N.Y. 10008-3480
ATTN: Section 245

COMPLETE THIS SECTION: DELIVERY

A. Received by (Please Print Clearly) **9/30** B. Date of Delivery

C. Signature **M**

Agent
 Addressee

D. Is delivery address different from item 1? Yes
 No
If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

102595-00-M-0952

April, 21 2001

MS. Marshall,

I hope that writing this letter to you is the appropriate thing to do. I, Peter Moceo, and my wife Lin Qian appeared before you in October of 2000 for an interview to change my wife's status in the U.S. to a resident.

At that interview we neglected to bring two very important documents I E: (certificate of arrest, and satisfaction of probation).

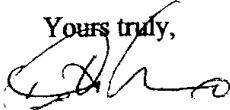
However, upon completion of the interview, you told us we strongly presented a truly believable marriage, and to just supply you with the proper documents to complete the case.

Two weeks later, our attorney hand delivered those documents to your office. But, did not get a receipt. Now he seems too busy to help us anymore. That's why he is no longer our attorney. Now we are taking matters into our own hands.

Enclosed are the documents that you requested which we hope will enable you to finalize our case, so we can bring closure to this phase of the immigration process.

I'd just like to say, thank you for your time.

Yours truly,



Peter Moceo

PS: Personal Data of Applicant
Qian Lin
721 5th Ave Apt 33C
New York, N.Y. 10022
Tel. 212- 980-6938 (home)
D.O.B. July 7 1964
SSN. 074-86-3637
Alien Registration A# 75560206
Passport # 142258995

EXHIBIT 7

U.S. Postal Service CERTIFIED MAIL RECEIPT (<i>Domestic Mail Only; No Insurance Coverage Provided</i>)																
ONE MAIL USE																
NEW YORK, NY 10278																
Postage	\$ 0.57	UNIT. I.D. 0007														
Certified Fee	2.10	POSTAGE														
Return Receipt Fee (Endorsement Required)	1.50	102595-00-M-0952														
Restricted Delivery Fee (Endorsement Required)	1.50	102595-00-M-0952														
Total Postage & Fees	\$ 4.17	102595-00-M-0952														
Sent to U.S. Department of Justice Immigration & Naturalization Service Street, Apt. No., or PO Box No. 26 Federal plaza																
City, State, ZIP+4 New York, NY 10278																
PS Form 3800, January 2001 See Reverse for Instructions																
SENDER: COMPLETE THIS SECTION <ul style="list-style-type: none"> <input type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits. 																
COMPLETE THIS SECTION ON DELIVERY <table border="0"> <tr> <td>A. Signature</td> <td><input checked="" type="checkbox"/> Agent</td> </tr> <tr> <td><input checked="" type="checkbox"/> X _____</td> <td><input type="checkbox"/> Addressee</td> </tr> <tr> <td colspan="2">B. Received by (Printed Name)</td> </tr> <tr> <td colspan="2">C. Date of Delivery 1/28/02</td> </tr> <tr> <td colspan="2">D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</td> </tr> <tr> <td colspan="2"> 3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. </td> </tr> <tr> <td colspan="2">4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</td> </tr> </table>			A. Signature	<input checked="" type="checkbox"/> Agent	<input checked="" type="checkbox"/> X _____	<input type="checkbox"/> Addressee	B. Received by (Printed Name)		C. Date of Delivery 1/28/02		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
A. Signature	<input checked="" type="checkbox"/> Agent															
<input checked="" type="checkbox"/> X _____	<input type="checkbox"/> Addressee															
B. Received by (Printed Name)																
C. Date of Delivery 1/28/02																
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No																
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.																
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes																
2. Article (Type)																

25-02-M-1035

EXHIBIT 8



145-18 156th STREET JAMAICA, NEW YORK 11434
TELEPHONE: (718) 723-8428 • (718) 723-8427

Date /

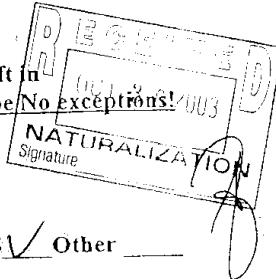
INS Service. Inquiry.

- ✓ 4/11/01.
- 5/23/02.
- ✓ 7/17/02.
- 8/22/02.
- 7/15/03
- ✓ 10/28/03.
- ✓ 10/30/03. ms I. cortes
- 4/21/04. mr. s chisolm

U.S. IMMIGRATION & NATURALIZATION SERVICE

INQUIRY

PLEASE fill out All parts of this form. Writing inquiries may be left in Room 8-800 All inquiries will be responded to by mail. There will be No exceptions!



SECTION 245

Today date 10/30/03 Type of application/Petition: I-130 I-485 Other

Name of Applicant FIRST NAME: Qian
LAST NAME: Lin

Name of person Filing Inquiry (Who Should We call?) Qian Lin

* Applicant's date of birth 07/07/64 Applicant's country of birth CHINA

Applicant's Alien Registration# (File#) A-75560206

Applicants Telephone#

212-980-6938

Representative's Telephone#

Applicant's Present Address _____ Representative's Address _____

721 5th AVE APT 30C
New York NY 10022

Have you been interviewed? Yes/No, If Yes, When? Yes Oct, 16/2000

Who was your Interviewing Officer? Mrs Marshall

When was your Application filed? May 1999

Reason for Inquiry? Check on the status of Green Card. My interview
has passed more than 3 years and I have visited and
filled this Inquiry form for many times (4/11/01, 5/23/02,
7/17/02, 8/22/02, 7/15/03, 10/28/03, 10/30/03). However,
Also, I sent Certified mail to Devora
I have still not been notified. May I have an appointment with
Supervisor?
 Please complete ALL parts of this form. Be as specific as possible. Failure to complete this form completely will result in significant delays in our response to your Inquiry

U.S. IMMIGRATION & NATURALIZATION SERVICE

INQUIRY

PLEASE fill out ALL parts of this form. Writing inquiries may be left in Room 8-800 All inquiries will be responded to by mail. There will be No exceptions!

SECTION 245

Today date 10/28/03 Type of application/Petition: I-130 I-485 Other _____

Name of Applicant FIRST NAME: Qian
LAST NAME: Lin

Name of person Filing Inquiry (Who Should We call?) Qian Lin

Applicant's date of birth 07/07/64 Applicant's country of birth CHINA

Applicant's Alien Registration# (File#) A 755 60206

Applicant's Telephone#

212-980-6938

Representative's Telephone#

Applicant's Present Address:

221 105th AVE Apt 33C
NEW YORK NY 10022

Representative's Address:

Have you been interviewed? Yes/No. If Yes. When? yes oct 16 2000

Who was your Interviewing Officer? Mrs Marshall

When was your Application filed? may 1999

Reason for

Inquiry? CHECK THE STATUS OF GREEN CARD

MY INTERVIEW WAS MORE THAN (3) MONTHS AGO

AND I HAVE STILL NOT BEEN NOTIFIED

AS TO MY STATUS.

RECEIVED	SVC
US IMM & NAT	2003 OCT 28
SECTION 245	
RECEIVED	
U.S. IMMIGRATION & NATURALIZATION SERVICE	
Signature	

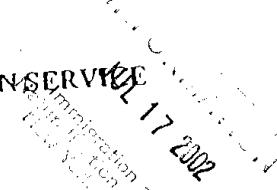
Please complete ALL parts of this form. Be as specific as possible. Failure to complete this form completely will result in significant delays in our response to your Inquiry

4/11/01

7/17/02

7/15/03 ms. I. Cortes

d/ U.S. IMMIGRATION & NATURALIZATION SERVICE



INQUIRY

PLEASE fill out ALL parts of this form. Writing inquiries on waivers may be kept in
ROOM 9-900. All inquiries will be responded to by mail. There will be No exceptions!

EAU

Today's date 7/17/02 Type of application/Petition: I-485 Other _____Name of Applicant- FIRST NAME Qian
LAST NAME LinName of person Filling Inquiry(Who Should We call?) Qian LinApplicant's date of birth 07/07/64 Applicant's country of birth CHINAApplicant's Alien Registration # (File#) A 755 60206Applicant's Telephone # 212 - 980 - 6938

Representative's Telephone # _____

Applicant's Present Address:
721 5th Ave Apt 33c
New York NY 10032

Representative's Address: _____

Have you been interviewed? Yes/No. If Yes, When? yes Oct 16 2000Who was your Interviewing Officer? Mrs MarshallWhen was your Application filed? May 1989Reason for
Inquiry?Check on the status of Green Cardalmost two years have passed since my
interview. Just want to know why thereis no response after we visited so many times
with this Inquiry and sent certified mail to mrs.
Please complete ALL parts of this form. Be as specific as possible. Failure to complete
this form completely will result in significant delays in our response to your Inquiry. Marshall